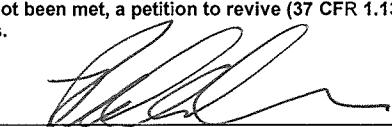


TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		CUSTOMER NO. 22,852 ATTORNEY'S DOCKET NUMBER: 08940.0037-00000
		U.S. APPLICATION NO. if known, see 37 CFR 1.5(10/589,561)
INTERNATIONAL APPLICATION NO. PCT/US2005/005221	INTERNATIONAL FILING DATE February 18, 2005	PRIORITY DATE CLAIMED February 20, 2004
TITLE OF INVENTION NOVEL APO2L AND IL-24 POLYPEPTIDES, POLYNUCLEOTIDES, AND METHODS OF THEIR USE		
APPLICANT(S) FOR DO/EO/US Yan WANG, Amy L. Tsui COLLINS, Kevin HESTIR, Ernestine LEE, Robert Forgan HALENBECK, Elizabeth BOSCH, Thomas LINNEMANN, and Lewis T. WILLIAMS		
Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed with the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)). <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> 11. <input type="checkbox"/> Information Disclosure Statement under 37 CFR 1.97 and 1.98 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A Substitute specification. 16. <input checked="" type="checkbox"/> A Statement Under 37 C.F.R. 3.73(b). 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13/er.2 and 35 U.S.C. 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154 (d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> Response to Notification of Missing Requirements Under 35 U.S.C. 371 b. <input checked="" type="checkbox"/> A copy of the original claims that were filed at the United States Receiving Office in International Application No. PCT/US2005/005221 on February 18, 2005, downloaded from PAIR. 		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/589,561	INTERNATIONAL APPLICATION NO. PCT/US2005/005221	ATTORNEY'S DOCKET NUMBER 08940.0037-00000		
The following fees have been submitted:		CALCULATIONS PTO Use Only		
21. <input type="checkbox"/> BASIC NATIONAL FEE (37 CFR 1.492(a)): \$310.00		\$		
22. <input type="checkbox"/> Examination fee (37CFR 1.492(c))				
If the Written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations..... \$210		\$		
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$410 All other situations..... \$510		\$		
TOTAL of 21, 22 and 23 =		\$		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate	\$
- 100 =	/50=		x \$260.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$130.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	-20 =		x \$50.00	\$
Independent Claims	-3 =		x \$210.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+\$370.00		\$
TOTAL OF ABOVE CALCULATIONS =				\$
X Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				\$65.00
SUBTOTAL =				\$
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest priority date (37 CFR 1.492(j)). +				\$
TOTAL NATIONAL FEE =				\$
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. +				\$
TOTAL FEES ENCLOSED =				\$65.00
				Amount to be refunded: \$
				charged: \$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>06-0916</u> in the amount of \$ <u>65.00</u> to cover the above fees.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card or to Deposit Account No. 06-0916. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>				
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001-4413</p> <p> SIGNATURE</p> <p>Rebecca B. Scarr/Reg. No. 47,057 NAME/REGISTRATION NUMBER</p>				
DATED: May 20, 2008				

PATENT
Attorney Docket No. 08940.0037-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yan WANG et al.) Group Art Unit: Not Yet Assigned
Application No.: 10/589,561) Examiner: Not Yet Assigned
Filed: August 16, 2006)
Intern'l Filing Date: February 18, 2005) Confirmation No.: 8058
For: NOVEL APO2L AND IL-24)
POLYPEPTIDES,)
POLYNUCLEOTIDES, AND)
METHODS OF THEIR USE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371

Applicants now respond to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed March 20, 2008.

Remarks begin at page 2.

Attachments to this response include a copy of the original claims that were filed at the United States Receiving Office in International Application No. PCT/US2005/005221 on February 18, 2005; a copy of the Statement Under 37 C.F.R. 3.73(b); and a copy of the Declaration of Inventors.

REMARKS

Translation

The Notification alleges that “[t]he translation of the International Application is incomplete as a number of pages are missing. International application has beginning of claim 1 missing and claims 12, 28, 29, 44, 56, 72 and 88 are missing from original application.” Notice at page 1.

Applicants note that the application was originally filed in English, and therefore no translation is required. Thus, applicants assume that the Office is instead requesting a complete copy of the claims originally filed in the application. To comply with the Notification, applicants investigated the form of claims actually submitted and found that the originally submitted copy of the claims is complete and not missing any portion of the claims. Specifically, applicants enclose a copy of the claims that were filed at the United States Receiving Office in International Application No. PCT/US2005/005221 on February 18, 2005. Applicants downloaded that copy of the claims from the file for International Application No. PCT/US2005/005221 found in the U.S. Patent and Trademark Office’s Patent Application Information Retrieval system (PAIR), as evidenced by the international application number printed by the USPTO at the top left of each page. Finally, because the enclosed claims were originally filed in International Application No. PCT/US2005/005221 on February 18, 2005, of which the present application is a national stage application, they add no new matter to the present application.

Processing fee of \$130 for providing the translation of the application

The Notification requests a processing fee of \$130 for providing the translation of the application later than 30 months from the priority date. Notice at page 1. First, applicants note that the present application was originally filed in English, and therefore no translation fee is required. Second, applicants assert that a complete set of claims was filed at the United States Receiving Office on February 18, 2005, as evidenced by the enclosed copy of the claims downloaded from PAIR. The errors in the claims noted in the Notification appear to have arisen upon publication of the international application, and are therefore not the fault of the applicants. Accordingly, applicants believe that no fee is due for providing the enclosed copy of the claims to the Office.

Oath or declaration of the inventors

The Notification states that an Oath or declaration is required. Notification at page 1. Applicants enclose a copy of the Declaration of Inventors for this application. Applicants also enclose a copy of the Statement Under 37 C.F.R. 3.73(b).

Surcharge

The Notification indicates that a surcharge of \$65.00 for a small entity is required. Applicants submit the required surcharge.

If there are any additional fees due in connection with the filing of this Response,
please charge the fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 20, 2008

By:


Rebecca B. Scarr
Reg. No. 47,057